

**Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
  2. Authorization for this examiner's amendment was given in a telephone interview with Mr. John P. Wagner (Registration number: 35,398) on 04/27/2009.
- A. Amend the following claims:

1. (Currently Amended) A computer implemented method for enhancing performance of a computer system, comprising:

electronically deriving on the computer relationships over time between monitored system variables and monitored performance of said computer system;  
automatically generating a number of rules based on said derived relationships, wherein said number of rules are generated without requiring human interaction; and  
adjusting at least one of said monitored system variables based on said generated number of rules to enhance the performance of said computer system[.].  
wherein said generating said number of rules is based at least in part on a performance goal,  
wherein said deriving said relationships, said generating said number of rules, and said adjusting said at least one of said monitored system variables, are iterative;

acquiring data for said monitored system variables and the monitored performance of said computer system, wherein said acquired data is used for deriving said relationships, wherein the relationships are derived based on an analysis of the acquired data,

wherein acquiring said data comprises:

gathering said data over time; and

logging said gathered data, wherein said relationships are derived based on said logged data,

wherein said gathering said data is at discrete points in time.

2. ( Canceled )

3. ( Currently Amended)-A ~~The~~ computer implemented method ~~as in~~ of claim 1, wherein said generating said number of rules is based at least in part on current values of said monitored system variables, and wherein said number of rules recommend incremental changes to said monitored system variables.

4. ( Canceled )

5. ( Canceled)

6. ( Canceled )

7. (Canceled)

8. (Currently Amended ) A ~~The~~ computer implemented method ~~as in~~ of claim 1, wherein said gathering said data is in response to an event on said computer system.

9. (Currently Amended)-A ~~The~~ computer implemented method ~~as in~~ of claim 1, wherein said acquiring said data comprises acquiring at least one of the following types

Art Unit: 2194

of data: configuration data, workload data, and performance metric data.

10. (Currently Amended) ~~A~~ The computer implemented method ~~as in~~ of claim 1, further comprising identifying ~~a number of~~ applications on said computer system having variables that affect the performance of said computer system.

11. (Currently Amended) ~~A~~ The computer implemented method ~~as in~~ of claim 1, further comprising identifying ~~a number of~~ subsystem components on said computer system having variables that affect the performance of said computer system.

12.( Canceled ).

13. ( Canceled).

14. ( Canceled).

15.( Canceled).

16.( Canceled).

17.( Canceled).

18.( Canceled).

19.( Canceled).

20.( Canceled).

21. (Canceled).

22. (Canceled).

23. (Canceled).

24. (Canceled).

25. ( Canceled).

26. ( Canceled).

**B.** The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art as taught by Dumarot et al (US. Patent 6,059,842), Clare et al (US. Patent 6,342,985) and Miller (US 5,446,653 A) do not teach on render obvious the limitations recited in claim 1, when taken in the context of the claims as a whole, automatically generating a number of rules based on electronic derived relationships overtime, wherein said number of rules are generated without requiring human interaction; wherein said generating said number of rules is based at least in part on a performance goal; wherein said deriving said relationships, said generating said number of rules, and said adjusting said at least one system variable, are iterative; the acquiring data for system variables and the performance of computer for deriving relationships, wherein acquiring said data comprises: gathering said data over time; and logging said gathered data, wherein said relationships are derived based on said logged data, wherein said gathering said data is at discrete points in time as recited in the independent claim 1. Moreover, evidence for modifying the prior art teachings by one of ordinary skill level in the art was not uncovered so as to result in the invention as recited in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is ( 571) 272-3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sough Hyung can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/LeChi Truong/

Examiner, Art Unit 2194

LeChi Truong

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Application/Control Number: 09/882,845  
Art Unit: 2194

Page 7